

2814

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U.S. GOVERNMENT PRINTING OFFICE: 2000 14-0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | | | |
|--|---|------------------------|------------------|
| | | Application No. | 09/902,907 |
| | | Filing Date | July 10, 2001 |
| | | First Named Inventor | Brian D. Possley |
| | | Group Art Unit | 2814 |
| | | Examiner Name | N. Ngo |
| Total Number of Pages in This Submission | 7 | Attorney Docket Number | 42390P6643C2 |

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ENCLOSURES (check all that apply)

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| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input checked="" type="checkbox"/> Amendment / Response | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Petition to Convert a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | <input type="checkbox"/> -Return Receipt Postcard |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
| <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | | |
| Remarks | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|--|
| Firm or Individual name | Gregory D. Caldwell, Reg. No. 39,926 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP |
| Signature | |
| Date | October 17, 2002 |

CERTIFICATE OF MAILING/TRANSMISSION

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October 17, 2002

| | | | |
|-----------------------|---------------|------|------------------|
| Typed or printed name | Angie C. Farr | | |
| Signature | | Date | October 17, 2002 |

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)
0.00

Complete if Known**RECEIVED**

| | |
|----------------------|------------------|
| Application Number | 09/902,907 |
| Filing Date | July 10, 2001 |
| First Named Inventor | Brian D. Possley |
| Examiner Name | N. Ngo |
| Group/Art Unit | 2814 |
| Attorney Docket No. | 42390p6643C2 |

TECHNOLOGY CENTER 2800**METHOD OF PAYMENT** (check one)

Check Credit card Money Order Other None
 Deposit Account

Deposit Account Number **02-2666**

Deposit Account Name **Blakely, Sokoloff, Taylor & Zafman LLP**

The Commissioner is authorized to: (check all that apply)

Charge fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION**1. BASIC FILING FEE**

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---------------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 101 | 740 | 201 | 370 | Utility filing fee | |
| 106 | 330 | 206 | 165 | Design filing fee | |
| 107 | 510 | 207 | 255 | Plant filing fee | |
| 108 | 740 | 208 | 370 | Reissue filing fee | |
| 114 | 160 | 214 | 80 | Provisional filing fee | |
| SUBTOTAL (1) | | (\$) | | | |

2. EXTRA CLAIM FEES

| Total Claims | 8 | 20* | = | 0 | X | 18.00 | = | \$0.00 | Fee from below | Fee Paid |
|--------------------|---|-----|---|---|---|-------|---|--------|----------------|----------|
| Independent Claims | 1 | 3* | = | 0 | X | 84.00 | = | \$0.00 | | |
| Multiple Dependent | | | | | | | | | | |

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|---------------------|----------|--------------|----------|---|-------------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 103 | 18 | 203 | 9 | Claims in excess of 20 | |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 | |
| 104 | 280 | 204 | 140 | Multiple Dependent claim, if not paid | |
| 109 | 84 | 209 | 42 | **Reissue independent claims over original patent | |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent | |
| SUBTOTAL (2) | | (\$) | | | 0.00 |

*or number previously paid, if greater. For Reissues, see below

3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description | Fee Paid |
|-----------------------------------|--------------|-----------------|---|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) |
| 105 | 130 | 205 | 65 Surcharge - late filing fee or oath |
| 127 | 50 | 227 | 25 Surcharge - late provisional filing fee or cover sheet. |
| 139 | 130 | 139 | 130 Non-English specification |
| 147 | 2,520 | 147 | 2,520 For filing a request for ex parte reexamination |
| 112 | 920* | 112 | 920* Requesting publication of SIR prior to Examiner action |
| 113 | 1,840* | 113 | 1,840* Requesting publication of SIR after Examiner action |
| 115 | 110 | 215 | 55 Extension for reply within first month |
| 116 | 400 | 216 | 200 Extension for reply within second month |
| 117 | 920 | 217 | 460 Extension for reply within third month |
| 118 | 1,440 | 218 | 720 Extension for reply within fourth month |
| 128 | 1,960 | 228 | 980 Extension for reply within fifth month |
| 119 | 320 | 219 | 160 Notice of Appeal |
| 120 | 320 | 220 | 160 Filing a brief in support of an appeal |
| 121 | 280 | 221 | 140 Request for oral hearing |
| 138 | 1,510 | 138 | 1,510 Petition to institute a public use proceeding |
| 140 | 110 | 240 | 55 Petition to revive - unavoidable |
| 141 | 1,280 | 241 | 640 Petition to revive - unintentional |
| 142 | 1,280 | 242 | 640 Utility issue fee (or reissue) |
| 143 | 460 | 243 | 230 Design issue fee |
| 144 | 620 | 244 | 310 Plant issue fee |
| 122 | 130 | 122 | 130 Petitions to the Commissioner |
| 123 | 50 | 123 | 50 Prospecting fee under 37 CFR 1.17(q) |
| 126 | 180 | 126 | 180 Submission of Information Disclosure Stmt |
| 581 | 40 | 581 | 40 Recording each patent assignment per property (times number of properties) |
| 146 | 740 | 246 | 370 Filing a submission after final rejection (37 CFR § 1.129(a)) |
| 149 | 740 | 249 | 370 For each additional invention to be examined (37 CFR § 1.129(b)) |
| 179 | 740 | 279 | 370 Request for Continued Examination (RCE) |
| 169 | 900 | 169 | 900 Request for expedited examination of a design application |
| Other fee (specify) | | | |
| *Reduced by Basic Filing Fee Paid | | | |
| SUBTOTAL (3) | | | |
| (\$) | | | |

SUBTOTAL (3)

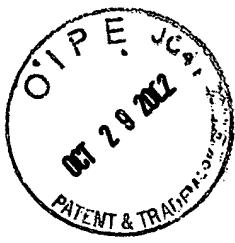
(\$)

SUBMITTED BY

| | | | | | |
|-------------------|---------------------|--------------------------------------|--------|-----------|----------------|
| Name (Print/Type) | Gregory D. Caldwell | Registration No. (Attorney/Agent) | 39,926 | Telephone | (503) 684-6200 |
| Signature | | | | Date | 10/17/02 |

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: Farahani, Dana

Art Unit: 2814

RESPONSE

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Dear Sir:

In response to the Office Action, dated July 17, 2002, please consider the following remarks.

REMARKS

The above-referenced patent application has been reviewed in light of the Office Action, dated July 17, 2002, in which: claims 13-15, 18 and 19 are rejected under 35 USC 102(b) as being unpatentable over Tran et al. (hereinafter “Tran”); claims 16 and 17 are rejected under 35 USC 103 as being unpatentable over Tran; and claim 20 is rejected as being unpatentable under 35 USC 103 as being unpatentable over Tran in view of Farwell. Reconsideration of the above-referenced patent application in view of the following remarks is respectfully requested.

Claims 13-20 are pending. No claims have been cancelled, amended, or added. It is noted that the other claims in the application as originally filed are being pursued in separate related applications.

The Examiner has rejected claims 13-15, 18 and 19 under 35 USC 102 as being unpatentable over Tran. This rejection by the Examiner of these claims is respectfully traversed.

It is noted that Tran fails to teach, disclose, suggest or describe diffusion regions having partially overlying polysilicon landings to form N and P type transistors. The Examiner points to FIG. 7 of Tran. Note that this aspect of the embodiment of the above-referenced application is discussed on page 7 and shown in FIG. 1. In Tran, **a polysilicon landing does not form N and P transistors**, as called for in the rejected claims. Therefore, the rejected claims are not anticipated, as indicated by the Examiner.

The Examiner has also rejected claims 16 and 17 under 35 USC 103 under Tran. This rejection is also traversed. Again, Tran neither teaches, discloses, suggests or describes diffusion regions having partially overlying polysilicon landings to form N and P type transistors. Likewise, the Examiner has provided no motivation to modify the teachings of Tran.

The Examiner has also rejected claim 20 under 103 on Tran in view of Farwell. However, Farwell fails to cure the deficiencies of Tran. Furthermore, the Examiner has provided no motivation for the combination.

CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in this patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 264-0967. Reconsideration of this patent application and early allowance of all the claims is respectfully requested.

Respectfully submitted,

Dated: 12/2/2002 Gregory D. Caldwell
Reg. No. 39,926

c/o Blakely, Sokoloff, Taylor & Zafman, LLP
12400 Wilshire Blvd., Seventh Floor
Los Angeles, CA 90025-1026
(503) 264-0967

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October 17, 2002
Date of Deposit
Angie C. Barr
Name of Person Mailing Correspondence
Angie C. Barr 10-17-02
Signature Date